

(183)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

NAACP-Flint Chapter, Janice O'Neal,
Lillian Robinson, Flint-Gensee
Neighborhood Coalition (United for
Action),

Plaintiffs,

v

John Engler, Governor; Michigan
Department of Natural Resources;
Roland Harmes, Director; Genesee
Township, William Ayre, Supervisor;
Genesee County

Defendants,

Hon. Lawrence P. Zatkoff
Docket No. 95 73224

ORDER

At a session of said Court held in the City of Detroit,
County of Wayne, State of Michigan on the _____ day
of OCT 26, 1995.

PRESENT: Honorable LAWRENCE P. ZATKOFF
U. S. District Court Judge

On September 26, 1995, this Court granted in part and denied
in part Plaintiffs' Motion to Remand, retaining Plaintiffs' claim
brought pursuant to Title VI of the 1964 Civil Rights Act, 42
U.S.C. § 2000d (1988), and the U.S. Environmental Protection
Agency (EPA) Title VI implementing regulations, 40 C.F.R. §
7.35 (1991), and remanding Plaintiffs' three state law claims.
The parties have not actually litigated any issue other than
those connected to Plaintiffs' motion for preliminary injunction.
The parties agree that in the interest of efficiency and
conservation of judicial resources, to the extent Plaintiffs
continue to assert claims against Defendants, there be one

lawsuit in state court. The parties further agree not to raise any issue of collateral estoppel or res judicata with respect to the effect of this dismissal on the state court action. The parties agree that each shall assume their own costs and fees. The parties agree, adopting all provisions as stated herein, to dismiss the claim brought pursuant to Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d (1988), and the EPA Title VI implementing regulations, 40 C.F.R. § 7.35 (1991), with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Court, therefore, decides to enter the following order.

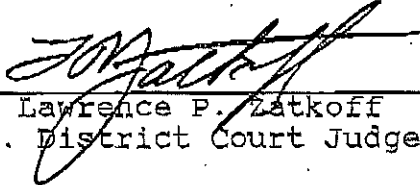
IT IS ORDERED:

1. Plaintiffs' remaining claim based on Title VI of the 1964 Civil Rights Act, 42 U.S.C. § 2000d (1988), and the EPA Title VI implementing regulations, 40 C.F.R. § 7.35 (1991), is dismissed with prejudice and without costs and attorneys' fees.

2. Plaintiffs' other claims, previously remanded to state court pursuant to Order dated September 26, 1995, shall not be re-brought against any Defendant or their successors in federal court.

3. This dismissal shall not bar or estop plaintiffs from pursuing their remanded claims in state court.

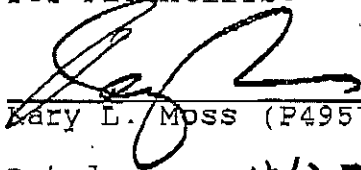
Honorable


Lawrence P. Zatkoff
U.S. District Court Judge

Dated: _____, 1995

AGREED AS TO FORM AND SUBSTANCE:

For Plaintiffs:


Gary L. Moss (P49579)

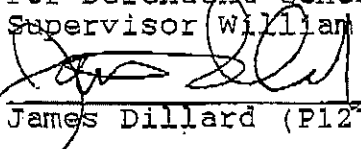
Dated: 10/23, 1995

For Defendant Genesee County


Richard M. Barron (P10492)

Dated: 10/23, 1995


For Defendant Genesee Twp. and
Supervisor William Ayre


James Dillard (P12775)

Dated: 10/23, 1995

For Governor John Engler,
Michigan Department of Natural
Resources, and Roland Harmes,
Director, Michigan Department
of Natural Resources

FRANK J. KELLEY
Attorney General of Michigan


Todd B. Adams (P36819)
Assistant Attorney General

Dated: 19 October, 1995

NRD/CASES/9504027/order